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IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1966

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No. 136

RICHARD H. M. SWANN
and
SUPERVISOR OF ELECTIONS
of Dade County, Florida,

Appellants,

vs.

TOM ADAMS, Secretary of State of Florida;
E. L. GATES, Supervisor of Registration of
Broward County, Florida; and
W. B. FREEMAN, Supervisor of Registration
of Monroe County, Florida,

Appellees.

On Appeal from the United States District Court
for the Southern District of Florida

BRIEF FOR JOHN A. DAVIS, ALBERT A. HARTMAN and JOHN J. O'KEEFFE, as Amici Curiae

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---

OPINION BELOW

The Order appealed from was entered by the United States District Court for the Southern District of Florida on March 18, 1966, and is unreported. It is printed herein as Appendix A-1.

JURISDICTION

The Judgment or Order of the three-judge District Court was entered on March 18, 1966 (A-1). The Notice of Appeal to this Court was filed March 25, 1966, and probable jurisdiction was noted on October 10, 1966. The jurisdiction of the Court rests on 28 U.S.C. 1253.

QUESTIONS PRESENTED

1. Will political and racial elements of the voting population be disenfranchised by H.B. 17X (66)?

2. Will the votes of residents of small counties be diluted so as to deprive small counties of the "One Man - One Vote" rule set forth in this court's opinion in the case of **Reynolds** v. **Sims**, 377 U.S. 533 (1964).

INTEREST OF AMICI CURIAE

The interest of the Amici Curiae in this matter is based upon the fact that the present law in providing for multi-member representation deprives your Amici Curiae of the equal protection of the law as set forth and guar-

anteed to them under the 14th Amendment of the U. S. Constitution.

Your Amici Curiae further believe that the questions presented by them are ones that will not be raised by any other appellant or parties in this action; and the questions raised by this brief of Amici Curiae will aid this Honorable Court in determining the validity or non-validity of the present Florida reapportionment bill, and further aid the Court as to proper reapportionment, and the basis and means of providing said reapportionment. That the nature of the Petitioners interest in this appeal is as follows:

JOHN A. DAVIS is a citizen and resident of Monroe County, Florida, member of the Republican Party and a registered voter.

ALBERT A. HARTMAN is a citizen and resident of Dade County, Florida, member of the Republican Party and a registered voter.

JOHN J. O'KEEFFE is a citizen and resident of Monroe County, Florida, member of the Democratic Party and a registered voter.

It is further submitted that JOHN A. DAVIS, and ALBERT A. HARTMAN as members of the Republican Party are being discriminated against and deprived of their rights as electors for the following reason:

The predominant Republican voting areas will be disenfranchised from their choice of representation.

That JOHN J. O'KEEFFE as a member of the Demo-

cratic Party and a voter of one of the smaller counties will have his voting powers effectively diluted.

For the foregoing reasons, your Amici Curiae believe that House Bill 17X (66) as passed by the Florida Legislature and approved by the lower court will result in a serious deprivation of their constitutional rights. Your Amici Curiae further believe that the position taken by them will not be presented by either of the Appellants or Appellees before this Honorable Court. That upon information, one of the Appellants is a member of the predominant political party in the State of Florida and the other is an appointed official of the largest populous county of the State of Florida and therefore they would not be receptive or willing to present the proposition set forth by your Amici Curiae.

STATUTE INVOLVED

This appeal and the brief of Amici Curiae challenges the constitutionality of H.B. 17X (66), Chapter 66-1, Laws of Florida, as enacted by the Legislature of the State of Florida on March 9, 1966 and approved by the Governor of Florida on March 10, 1966. This legislative enactment is printed herein as Appendix B-1.

STATEMENT

Your Amici Curiae submit that this Court should not be burdened with a lengthy recitation setting forth the numerous attempts of the Florida Legislature to pass a fair reapportionment plan for the State of Florida. It is sufficient for purposes of this brief to state that on March 9, 1966, the Florida Legislature enacted H.B. 17X

(66), Chapter 66-1, Laws of Florida and the same was approved by the Governor on March 10, 1966. (Appendix B-1.)

On March 14, 1966, the Attorney General of Florida filed a motion before the three-judge District Court for the Southern District of Florida to approve H.B. 17X (66). Oral argument was heard on March 15, 1966, and on March 18, 1966, the District Court entered its opinion and order declaring H.B. 17X (66) constitutional. (Appendix A-1) This order is now before the court for review.

The Appellants filed their Notices of Appeal in the Clerk's office of the U. S. District Court for the Southern District of Florida on March 25, 1966, and this Court noted probable jurisdiction on October 10, 1966.

Prior to consideration of the jurisdictional statement in this cause both Appellants refused permission to your Amici Curiae to file a brief as friends of the court in this cause. Subsequently, pursuant to Rule 42.1 of the Supreme Court Rules, as Amended, your Amici Curiae on April 26, 1966, filed a Motion for leave to file a brief of Amicus Curiae in this cause. On October 10, 1966, this Court entered its order granting permission to your Amici Curiae to file this brief.

ARGUMENT

Point One

This case involves the right of all citizens of the State of Florida to fair and equal participation in the legislative branch of their own state government; and whether

House Bill 17X (66) passed by the Florida Legislature in Extraordinary Session did violate the equal protection clause of the 14th Amendment to the Constitution of the United States. (Appendix C-1) And further did House Bill 17X (66) violate the precepts of "One Man-One Vote" rule set forth in the case of Reynolds v. Sims (1964) 377 U.S. 533.

As Amici Curiae, your Petitioners, JOHN A. DAVIS, ALBERT A. HARTMAN, and JOHN J. O'KEEFFE, concur with Appellants in their precepts that the present Florida Reapportionment as established by House Bill 17X (66) is still prejudicial and disproportionate as to equitable legislative representation in the State Legislature for the State of Florida. However, they believe the procedure of choosing such representatives in the House of Representatives as set forth in the present House Bill 17X (66) is unconstitutional because it violates the equal protection clause of the 14th Amendment to the Constitution of the United States of America.

This Court by its own decision has stated the rule that should be followed. In the case of Reynolds v. Sims, 377 U.S. 533 (1964), the Court said:

> "And if a state should provide that the votes of citizens in one part of the state should be given two times, or five times, or 10 times the weight of votes of citizens in another part of the state, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. It would appear extraordinary to suggest that a state could be constitutionally permitted to enact a law pro-

viding that certain of the state's voters could vote two, five, or 10 times for their legislative representatives when voters living elsewhere could vote only once. And it is inconceivable that a state law to the effect that, in counting votes for legislators, the votes of citizens in one part of the state would be multiplied by two, five or 10, while votes of persons in another area would be counted only on face value could be constitutionally sustainable."

In the case of **Wesberry** v. **Sanders**, 376 U.S. 1 (1963) it was stated:

"We do not believe that the framers of the Constitution intended to permit the same vote-diluting discrimination to be accomplished through the device of districts containing widely varied numbers of inhabitants. To say that a vote is worth more in one district than another would . . . run counter to our fundamental ideas of democratic government . . . . "

It is the contention of your Amici Curiae that residents of small counties will have their votes diluted so as to deprive them of the "One Man-One Vote" rule as set forth in **Reynolds** v. **Sims** (1964) 374 U.S. 533. Under the present plan, the County of Monroe has one legislator. The County of Dade twenty-two legislators. In Dade County all legislators run at large, thereby giving each of the voters in Dade County twenty-two votes for legislative representation. In Monroe County each voter has but one vote for a legislator, thereby diluting the voting power of a registered voter in Monroe County twenty-two

times. Your Petitioners do not claim that the County of Dade by its numerical superiority should not be entitled to its twenty-two legislators or more, they do however, claim that in conformity with previous decisions that districts should be set up population-wise, which would give the individual voter one vote for one legislator. Thereby, making his vote equal to the votes of any other district voting for a single legislator.

The proposition of "One Man-One Vote" appears to the Amici Curiae to be that each individual voting shall have the same weight as an individual voting in any other part of the state. The proposition of "One Man-One Vote" is not how many legislators there are for any particular number of voters, but that the weight of the vote itself be equal.

ARGUMENT

Point Two

Will a minority political party be disenfranchised by House Bill 17X (66)? This court reserved ruling on such a proposition when it stated in the case of **Fortson** v. **Dorsey**, 379 U.S. 433, as follows:

> "We treat the question as presented and our opinion is not to be understood to say that in all instances or under all circumstances such a system as Georgia has will comport with the dictates of the equal protection clause. It might well be that, decidedly or otherwise, a multi-member constituency apportionment scheme, under the circumstances of a particular case, would

operate to minimize or cancel out the voting strength of racial or political elements of the voting population. When this is demonstrated, it will be time enough to consider whether the system still passes constitutional muster . . . "

In the 1962 General Election for state legislator in Group One, Republican candidate McGlon received approximately 57% of the votes over the Democratic candidate Eldridge, even though Democrat Eldridge won by a vast majority on the county-wide vote. In Group Four, Republican candidate Lippincott received approximately 52% of the vote as against Democratic candidate Weissenborn, even though losing county-wide by a great majority of votes. This is also true in the case of Republican candidate MacDonald who received approximately 51% of the votes as against Democratic candidate Wilson, who again won by a vast majority of the county-wide votes. The above percentages occurred in precincts 200 to 210 inclusive. This in itself would indicate that these areas are basically Republican and would in district voting elect Republican legislators; in a county-wide vote it is an impossibility. It might also be stated that in each subsequent election this situation has been repeated.

Dade County, Florida is a county of vast population and varied interests which has no basic common interest with each other; other than being residents of the State of Florida, and of the County of Dade by geographic line. The City of Homestead, Florida, is basically agricultural and rural, while the City of Miami Beach, Florida, also a part of Dade County, is basically a resort and hotel area. The City of Hialeah, Florida, in turn is an industrial area. Their economics and their politics throughout their his-

tory have been basically different but under the present reapportionment set forth in House Bill 17X (66), all these varied interests and political differences are not taken into consideration for true representation in the State Legislature in Tallahassee. Are these different political philosophies to be disregarded as far as true representation is concerned, by the unconstitutional establishment of county-wide vote for all legislators in the geographic area of Dade County?

County and county lines are not sacrosanct, for example, Dade County is a part of three separate congressional districts, the center district being entirely in Dade County, the northern district being part in Dade County and part in Broward County, and the southern district encompassing Monroe County and Southern Dade as well. In determining these congressional districts, certainly the idea of congressmen running at large in the county was never taken into consideration. Why then should state legislators have another guide line for their election?

It is further presented by your Amici Curiae that each legislator is supposed to represent the State of Florida, and his interest should be for the benefit of the State of Florida, but if the legislator is to represent a lesser section, his representation should go to the very roots of his election, that being a specific area of population which would be equivalent with other equally populous areas. We do not believe that the Supreme Court intended to create a block-vote in a large urban area to control the state legislature in place of rural control. It however is our proposition that one is equally as evil as the other and to go from one extreme to the other de-

feats Reynolds v. Sims, supra. Surely the areas in Dade County that are predominantly Republican as well as those areas in Duval, Broward, Hillsboro and Pinellas, the other major urban counties, should not be disregarded and their thoughts should be represented in the State Legislature. This can only be done by establishing districts of approximately equal population to give opportunity to these areas that are of diverse political philosophies to elect their own representative responsible to them so that their wishes may be brought forth at the state capital.

It might be further stated, that not only is a political group being disenfranchised by virtue of county-wide voting but a racial group is also being disenfranchised. Certain sections of Dade County, Duval County and other major urban counties, where county-wide voting is held, have large Negro areas. In the 1966 Primary Election, one of their candidates obtained a run-off position in the Democratic Primary by virtue of the complete backing of the Negro vote. In the General Election, he was soundly defeated. If districts were established, the Negro population too would obtain representation for their thoughts and ideas in the legislature of the State of Florida.

It is respectfully suggested that a plan in which counties having multi-member representatives be divided into districts of approximately equal population wherein each representative would be required to live in the district from which he were elected and that only voters of that district would be permitted to vote for the representative who shall represent their district. This plan would give concentrated political and racial groups an

opportunity to have their voice heard in the State Legislature. It would eliminate inequality of voting strength in all districts of the State of Florida.

CONCLUSION

For the foregoing reasons, your Amici Curiae submits that House Bill 17X (66) passed by the Florida Legislature is unconstitutional in that it violates the equal protection clause of the 14th Amendment of the Constitution of the United States as well as the "One Man-One Vote" rule set forth in **Reynolds** v. **Sims** Supra.

It is further submitted that single representative districts is the only method which would adhere to both the equal protection clause of the 14th Amendment and **Reynolds** v. **Sims**, Supra.

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APPENDIX A-1

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

No. 186-62-M-Civil-DD

RICHARD H. M. SWANN,

Plaintiff,

v.

TOM ADAMS, Secretary of State of the State of Florida, et al.,

Defendants.

Before JONES, Circuit Judge, and McRAE and DYER, District Judges
PER CURIAM

Following the order of the United States Supreme Court that a valid reapportionment plan be made effective for the 1966 elections, see Swann v. Adams, 34 U.S.L. Week 3291 (U.S. Feb. 25, 1966), the Florida Legislature met in special session in March 1966 and passed a 48-senator, 117-representative plan. The state urges this court to accept that plan, arguing that it meets in all respects the federal constitutional one-man, one-vote requirement laid down in Reynolds v. Sims, 377 U.S. 533 (1964).

Plaintiff's major contention is that the variations in population per representative and senator are too great. Mathematical exactness or precision is not required, of

course, but apportionment must be substantially on a population basis. Various tests have been used to analyze how close other plans have come to the ideal: the percentage deviation of a district's population from the average population per district, the population ratio of the largest district to the smallest district in the state, and the minimum percentage of persons in the state represented by a majority of the legislature.

Applying these tests to the proposed Florida plan, we find that the senate districts range from 87,595 to 114,053 in population per senator, or from 15.09% overrepresented to 10.56% underrepresented, creating a ratio of 1.30:1 between the largest and smallest districts. The deviation from the average population per senator is greater than 15% in only 1 district and is greater than 10% in 11 other districts. The minimum percentage of persons that could elect a majority of 25 senators would be 48.38%.

The suggested house districts range from 34,584 to 48,785 in population per representative, or from 18.28% overrepresented to 15.27% underrepresented, creating a population ratio of 1.41:1. The deviation from the average is greater than 15% in 7 districts and is greater than 10% in 22 other districts. The minimum percentage of persons that could elect a majority of 58 representatives is 47.79%.

Taken individually these statistics mean little, but collectively they tend to indicate that the legislature's proposed plan is constitutionally valid. Compare WMCA, Inc. v. Lomenzo, 238 F. Supp. 916 (S.D.N.Y.), aff'd per curiam, 382 U.S. 4 (1965). Such departures as there are from the ideal are not sufficient in number or great

enough in percentages to require an upsetting of the legislative plan. More important, what deviation there is does not discriminate to any great extent against any section of the state or against either rural or urban interests.

Other aspects of the proposed plan also have come under attack. First, three senators would not be required to run for reelection in 1966, but would be allowed to finish their present terms, which expire in 1968. Since these senators were elected in districts that are identical in territory to their districts under the proposed plan, we find no federal constitutional infirmity in allowing these senators to be continued in office. Second, one senate and six house seats are subject to residency requirements.

We upheld such arrangements in a previous order and see no reason to reach any different result here. Accord, Fortson v. Dorsey, 379 U.S. 433 (1965). Finally, the proposed plan contains several multicounty, multirepresentative or multisenator districts. However unwise and undesirable these may be, we find nothing in their nature that violates the federal constitution. See Fortson v. Dorsey, supra.

An order will be entered herein in accordance with the present opinion.

ORDER

It is, upon consideration,

ORDERED AND ADJUDGED:

The plan of apportionment of the Florida Legislature, as found in HB 17-X(66), enacted in March 1966,

meets federal constitutional standards and is accepted by this court as the standard to be used in selecting members for the 1967 session of the Florida Legislature.

DONE AND ORDERED this 18th day of March, 1966.

WARREN L. JONES
United States Circuit Judge

WILLIAM A. McRAE, JR.
United States District Judge

DAVID W. DYER
United States District Judge

APPENDIX B-1

HB 17-X(66)
Final Passage
3/9/1966

A bill to be entitled

An act to provide for the apportionment of the membership of the senate and the house of representatives of the legislature of the state of Florida; prescribing terms of office of members of both houses; providing for continuance in office by members until the general election in November, 1966; providing for elections; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) The representation of the people of the state in the legislature of the state shall continue as now constituted until the general election to be held in November, 1966. Thereafter, the representation of the Florida legislature shall be as set forth in this law.

(2) The representation in the senate of the Florida legislature shall consist of 48 members representing districts and shall be apportioned as follows:

First District — Escambia and Santa Rosa counties.

Second District — Escambia and Santa Rosa counties.

Third District — Okaloosa, Walton and Holmes counties.

Fourth District — Bay, Washington and Gulf counties.

Fifth District — Alachua, Baker, Bradford, Calhoun, Clay, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Putnam, Suwannee, Taylor, Union and Wakulla counties.

Sixth District — Alachua, Baker, Bradford, Calhoun, Clay, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Putnam, Suwannee, Taylor, Union and Wakulla counties.

Seventh District — Polk county. The senator elected from the seventh senatorial district in 1964 as it then existed shall serve as the senator from the seventh district until the general election of 1968.

Eighth District — Alachua, Baker, Bradford, Calhoun, Clay, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Putnam, Suwannee, Taylor, Union and Wakulla counties.

Ninth District — Duval county.

Tenth District — Duval county.

Eleventh District — Pinellas county.

Twelfth District — Indian River, Martin, St. Lucie and Okeechobee counties.

Thirteenth District — Dade and Monroe counties.

Fourteenth District — Citrus, Flagler, Hernando, Lake, Marion, Osceola, Pasco, St. Johns, Seminole, Sumter and Volusia counties.

Fifteenth District — Citrus, Flagler, Hernando, Lake, Marion, Osceola, Pasco, St. Johns, Seminole, Sumter and Volusia counties.

Sixteenth District—Citrus, Flagler, Hernando, Lake, Marion, Osceola, Pasco, St. Johns, Seminole, Sumter and Volusia counties.

Seventeenth District — Dade and Monroe counties.

Eighteenth District — Duval county.

Nineteenth District — Orange county. The senator elected from the nineteenth senatorial district in 1964 as it then existed shall serve as the senator from the nineteenth district until the general election of 1968.

Twentieth District — Orange county.

Twenty-First District — Hillsborough county.

Twenty-Second District — Hillsborough county.

Twenty-Third District — Hillsborough county.

Twenty-Fourth District — Charlotte, Collier, Glades, Hendry and Lee counties.

Twenty-Fifth District — Alachua, Baker, Bradford, Calhoun, Clay, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Putnam, Suwannee, Taylor, Union and Wakulla counties.

Twenty-Sixth District — Polk county.

Twenty-Seventh District — DeSoto, Hardee, Highlands, Manatee and Sarasota counties.

Twenty-Eighth District — DeSoto, Hardee, Highlands, Manatee and Sarasota counties.

Twenty-Ninth District — Pinellas county.

Thirtieth District — Broward county.

Thirty-First District — Duval county.

Thirty-Second District — Pinellas county.

Thirty-Third District — Palm Beach county.

Thirty-Fourth District — Hillsborough county.

Thirty-Fifth District — Palm Beach county. The senator elected from the thirty-fifth senatorial district in 1964 as it then existed shall serve as the senator from the thirty-fifth district until the general election of 1968.

Thirty-Sixth District — Orange county.

Thirty-Seventh District — Brevard county.

Thirty-Eighth District — Pinellas county.

Thirty-Ninth District — Broward county.

Fortieth District — Dade and Monroe counties.

Forty-First District — Citrus, Flagler, Hernando, Lake, Marion, Osceola, Pasco, St. Johns, Seminole, Sumter and Volusia counties.

Forty-Second District — Dade and Monroe counties. Such district shall consist of all of Monroe county and that part of Dade county which consists of precincts numbered 203, 205, 206, 207, 208, 209, 210, 235, 236, 237, 238, 320, 321, 322, 323, 324, 325 and 326, as they existed and were on file in the office of the secretary of state as of March 2, 1966, and any changes in [redacted] precinct boundaries, after March 2, 1966, shall not affect the senatorial district herein created, unless approved by the legislature in a subsequent reapportionment plan. The senator representing the forty-second district shall reside in and be a duly qualified elector of the forty-second district and shall be elected by the people of Dade and Monroe counties.

Forty-Third District — Dade and Monroe counties.

Forty-Fourth District — Dade and Monroe counties.

Forty-Fifth District — Dade and Monroe counties.

Forty-Sixth District — Dade and Monroe counties.

Forty-Seventh District — Dade and Monroe counties.

Forty-Eighth District — Broward county.

(3) The senatorial offices herein created by Section 1 of this act and designated by an even numbered senatorial district number shall be filled at the general election of 1966 for a four (4) year term. The senatorial offices herein created by Section 1 of this act and designated by an odd numbered senatorial district number, except as otherwise provided herein, shall be filled at the general election of 1966 for a two (2) year term ending at the general election of 1968 and thereafter for four (4) year terms. All senators, except as herein provided, and except when vacancies are to be filled for unexpired terms, shall be elected for four (4) year terms.

Section 2. A candidate for the office of state senator shall have been a bona fide resident of the district from which he qualifies for a period of at least six (6) months prior to the qualifying date.

Section 3. (1) The house of representatives of the Florida legislature shall consist of one hundred seventeen (117) members apportioned among the counties according to the latest federal decennial census of population. Until reapportioned according to the census of 1970 the representation in the house of representatives shall be apportioned as follows:

County or Counties	Number of Members
Bay and Gulf	2
Escambia	4
Holmes, Walton and Washington	1
Okaloosa and Santa Rosa	2
Jackson and Calhoun	1

Gadsden and Liberty	1
Leon, Wakulla, Franklin	2
Jefferson, Dixie, Taylor, Levy	1
Hamilton, Suwannee, Madison, Lafayette	1
Gilchrist, Putnam, Alachua	3
Union, Bradford, Clay	1
Nassau, Baker, Columbia	1
Duval	11
Citrus, Hernando, Marion, Sumter	2
Flagler, St. Johns	1
Lake, Seminole	3
Pasco	1
Volusia	3
Brevard	3
Orange, Osceola	6
Hillsborough	9
DeSoto, Hardee, Highlands	1
Manatee	2
Polk	4
Sarasota	2
Pinellas	9
Charlotte, Collier, Glades, Hendry, Lee	2
Indian River, Martin, Okeechobee, St. Lucie	2
Palm Beach	5
Broward	8
Dade	22
Monroe	1

(2) Members of the house shall be qualified electors of, reside in and be elected at large by the qualified electors in the county or multi-county districts for which they are chosen unless otherwise provided herein; provided, that in the multi-county district of Lake and Seminole one representative shall be a resident of Lake County and one

member shall be a resident of Seminole county and the other representative shall be a resident of either county; provided that in any multi-county legislative district having two members, with one county thereof having a population in excess of 39,000 and the aggregate population of the remaining counties is in excess of 39,000, one member shall reside in the largest county, and one member shall reside in any one of the remaining counties.

Section 4. Members of the house of representatives are to be elected for two (2) years.

(a) The senatorial offices herein created by Section 1 of this act and designated by an even numbered senatorial district number shall be filled at the general election of 1966 for a four (4) year term. The senatorial offices herein created by Section 1 of this act and designated by an odd numbered senatorial district number, except as otherwise provided herein, shall be filled at the general election of 1966 for a two (2) year term ending at the general election of 1968 and thereafter for four (4) year terms. All senators, except as herein provided, and except when vacancies are to be filled for unexpired terms, shall be elected for four (4) year terms.

Section 5. The provisions of this act are severable and if any word, sentence, paragraph, subsections or sections of the act shall for any reason be held void or unconstitutional by any court of competent jurisdiction, the decision of said court shall not affect or impair the validity of any of the remaining words, sentences, paragraphs, subsections or sections of this act.

Section 6. Candidates for offices created herein

shall be nominated in 1966 in the manner provided by law and the offices shall be filled at the general election in November, 1966.

Section 7. For the purposes of conducting the elections and creating the offices to be filled by this act, this act shall take effect immediately upon becoming a law; but for the purposes of repeal of the law providing for the apportionment of the legislature under chapter 10, Florida Statutes, as it existed on June 1, 1965, this act shall take effect on the Tuesday after the first Monday, November, 1966.

APPENDIX C-1

AMENDMENT XIV

SECTION 1. ALL persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protections of the laws.

CERTIFICATE OF SERVICE

WE, the undersigned attorneys for the Amici Curiae herein, and members of the Bar of the Supreme Court of the United States, hereby certify that on this 28th day of October, 1966, we served copies of the foregoing Brief and Appendix of Amici Curiae on the several parties thereto as follows:

1. On the Hon. TOM ADAMS, Secretary of the State of Florida, by mailing a copy in a duly addressed envelope with first class postage prepaid to the Hon. Earl Faircloth, Attorney General State of Florida, Tallahassee, Florida.

2. On RICHARD H. M. SWANN, one of the Appellants herein, by mailing a copy in a duly addressed envelope with first class postage prepaid to Paul & Sams, 1314 First National Bank Bldg., Miami, Florida.

3. On the Hon. MARTIN BRATERMAN, Supervisor of Election, Dade County, Florida, by mailing a copy in a duly addressed envelope with first class postage prepaid to Thomas C. Britton, County Attorney, Dade County Courthouse, Miami, Florida.

4. On the Hon. E. L. GATES, Supervisor of Registration of Broward County, Florida by mailing a copy in a duly addressed envelope with first class postage prepaid to John U. Lloyd, Esq., County Attorney, Broward County Courthouse, Fort Lauderdale, Florida.

5. On the Hon. W. B. FREEMAN, Supervisor of Registration of Monroe County, Florida, by mailing a copy in a duly addressed envelope with first class postage prepaid to Paul E. Sawyer, Esq., P. O. Box 571, Key West, Florida.

6. On the Amici Curiae and/or Intervenors by mailing a copy in a duly addressed envelope with first class postage prepaid to the following:

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